

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**MARY BETH FRANKENFIELD,**  
**Plaintiff**

**v.**

**MICROBILT CORPORATION, et al.,**  
**Defendants**

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**No. 4:14-cv-1112**

**(Judge Kane)**

**(Magistrate Judge Carlson)**

**ORDER**

Before the Court in the above-captioned action is the October 3, 2016 Report and Recommendation of Magistrate Judge Carlson. (Doc. No. 38.) No timely objections have been filed. **ACCORDINGLY**, on this 4th day of November, 2016, upon independent review of the record and the applicable law, **IT IS HEREBY ORDERED THAT:**

1. The Court adopts the Report and Recommendation of Magistrate Judge Carlson (Doc. No. 38);
2. Defendant MicroBilt Corporation's First Motion to Dismiss for Lack of Jurisdiction (Doc. No. 32) is **GRANTED**;
3. Plaintiff Mary Beth Frankenfield's amended complaint (Doc. No. 19) is **DISMISSED WITHOUT PREJUDICE**;
4. Plaintiff may amend her complaint within thirty (30) days of the date of this Order to address the pleading deficiencies identified in Magistrate Judge Carlson's Report and Recommendation with respect to standing; and
5. This matter is remanded to Magistrate Judge Carlson for further proceedings.

s/ Yvette Kane  
Yvette Kane, District Judge  
United States District Court  
Middle District of Pennsylvania